

Public Service Commission of Wisconsin

Phil Montgomery, Chairperson
Eric Callisto, Commissioner
Ellen Nowak, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

November 29, 2012

To whom it may concern:

The Commission has begun a rulemaking (1-AC-229) to amend its rules on application for utility service and would like your input concerning the economic impact of this rule change.

The Fair and Accurate Credit Transactions Act of 2003¹ (FACT) included a number of changes to the Fair Credit Reporting Act.² Many of these changes addressed identity theft risks and plans that companies must develop to ensure the identity of those who already have accounts, or who open new accounts, with the company.

In reviewing the rules for the various industries that the commission regulates, it was discovered that, under some circumstances, those rules could interfere with a company's ability to meet the FACT requirements. This rulemaking will review the parts of chs. PSC 113, 134, and 185 that deal with applications for service, disconnections and other relevant subjects, and will make changes to ensure that they do not interfere with a company's ability to comply with FACT.

At this point, the Commission believes this rule will not result in any adverse economic impact because the amendments are focused on harmonizing the Commission's rules with federal regulation. It is the Commission's opinion that any economic impact of those federal regulations has already occurred. However, before completing its economic impact analysis about this rulemaking, the Commission would like to solicit your input about whether the proposed rule would adversely affect, in any material way, the economy, a sector of the economy, productivity, jobs, or the competitiveness of this state.

This is a new step in the rulemaking process, and this comment period is only to seek comment, if any, about the economic impact of the rules. This is not the window for comments on the substance and wording of the rule changes themselves. That opportunity will still happen when the Commission issues the formal Notice and sets a hearing and comment period, as is standard practice in a rules docket.

Please submit your comments on the economic impact by **noon on Friday, December 21, 2012**, in one of the following ways:

- **Electronic Comment.** Go to the Commission's web site at <http://psc.wi.gov>, and click on the "ERF - Electronic Regulatory Filing" graphic on the side menu bar. On the next page, click on "Need Help?" in the side menu bar for instructions on how to upload a document.

¹ Pub. L. No. 108-159, 117 Stat. 1952.

² 15 U.S.C. § 1681.

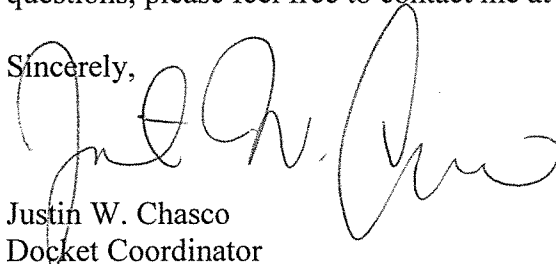
- **Web Comment.** Go to the Commission's web site at <http://psc.wi.gov>, and click on the "Public Comments" button on the side menu bar. On the next page, select the "File a comment" link that appears for docket number 1-AC-229.
- **Mail Comment.** All comments submitted by U.S. Mail must include the phrase "Docket 1-AC-229 Comments" in the heading, and shall be addressed to:

Justin Chasco
Public Service Commission of Wisconsin
P.O. Box 7854
Madison WI 53707-7854

The Commission **does not accept comments submitted via e-mail or facsimile (fax)**. Any material submitted to the Commission is a public record and may appear on the Commission web site.

Thank you in advance for taking the time to consider the effects of this rulemaking. We appreciate your participation and look forward to any input you may provide. If you have any questions, please feel free to contact me at (608) 266-3708, or justin.chasco@wisconsin.gov.

Sincerely,



Justin W. Chasco
Docket Coordinator

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

PSC Ch. 116, 134, 165, 185

3. Subject

Applications for Utility Service, Fair and Accurate Credit Transactions Act of 2003 (FACT)

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

This rulemaking is intended to harmonize PSC regulations and federal law that requires utilities to take steps to prevent identity theft.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

See Attached mailing list.

11. Identify the local governmental units that participated in the development of this EIA.

See Attached mailing list.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Chapters PSC 113, 134, and 185 contain service rules for the electric, gas and water industries. Changes are being proposed to ensure that these rules do not interfere with a utility's ability to comply with FACT. The changes will allow a utility to refuse service if an applicant fails to provide adequate identity documentation, something that is not allowed under existing rules. Public utilities may incur some small compliance costs updating their customer service policies.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Implementing the new rule will allow public utilities to comply with their obligations under various provisions of FACT, the Fair Credit Reporting Act, 31 CFR 103.121, 16 CFR chs. 614 and 681, and 31 CFR 103.121, which address identity theft risk identification and prevention. An alternative to the proposed rule would be to retain the current rules for applications for utility service. Current Commission rules, however, do not allow public utilities to request sufficient supporting documentation for new applicants under current federal law.

14. Long Range Implications of Implementing the Rule

None.

15. Compare With Approaches Being Used by Federal Government

This rule making is intended to harmonize PSC regulations and federal law that requires utilities to take steps to prevent identity theft.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Michigan allows utilities to request customer identification similar to the proposed rule (MI Admin. Rule 460.106). Illinois (see e.g. 83 Ill. Adm. Code 280.70), Minnesota and Iowa (see Iowa Admin. Code r. 199-19.4(16)) do not have administrative rules either allowing or prohibiting a utility to require an i.d. as a precondition for service, but each state requires utilities to comply with company specific tariffs when they review applications for service. Many of those tariffs allow utilities to require supporting documentation, including i.d.

17. Contact Name	18. Contact Phone Number
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This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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SECTION 1. PSC 113.0301 (1m) (i) is amended to read:

PSC 113.0301 (1m) (i) Failure of an applicant for utility service ~~to provide adequate verification of identity and residency, as provided in sub.(3)~~ to provide information or documentation required by s. PSC 113.0306.

SECTION 2. PSC 113.0301 (1m) (j) and (3) are repealed.

SECTION 3. PSC 113.0306 and 113.0307 are created to read:

PSC 113.0306 **Application for residential service.**

(1) APPLICATION. (a) A residential user of electric service shall apply for service. A utility may accept an application for service from a person other than the user or potential user of service. A utility may require a verbal or written application for residential service. The utility shall establish a written policy for when it will require a written application.

(b)1. Except as provided in par. (d), a utility may only require the following information in an application:

- a. Legal name and birthdate of the user of service.
- b. Telephone number of the user of service. Lack of a telephone number is not grounds for service refusal.
- c. Legal name and birthdate of the person responsible for bill payment, if different than the user.
- d. Telephone number of the person responsible for bill payment, if different from the user. Lack of a telephone number is not grounds for service refusal.
- e. Address where service is to be provided.
- f. Mailing address if different from service address.
- g. Date requested for service to begin.

h. Address of residence occupied by the user of service prior to the address for which service is being requested.

i. Initial identification data under subd. 2.

2. A utility shall accept any of the following items as adequate initial identification data:

a. Driver's license number.

b. State identification card number.

c. Passport number.

d. Social security number.

3. If a utility requests information it shall inform the applicant of all acceptable forms of initial identification data and allow the applicant to choose which the applicant wishes to provide.

(c) If a utility determines that an applicant's response under par. (b) 1.a. to h. indicates that additional information is necessary to further evaluate the applicant's credit history or identity, the utility may require the applicant's addresses for the past 6 years as part of its application for service. Each utility shall establish a written policy for requesting the application information under this paragraph.

(d) A utility may request information other than that listed in pars. (b) and (c) and sub. (2), but before requesting it the utility shall inform the applicant that providing that information is optional.

(e) A utility may refuse service for failure to provide any information specified in subds. (b) 1.a., c., e. to h. or par. (c).

Note: See sub. (2) (a) about what can be required if an applicant refuses to provide the initial identification data under s. 113.0306(2)(b)1.i.

(2) IDENTITY AND RESIDENCY VERIFICATION. (a) Notwithstanding sub. (1)(b), a utility may require verification of the initial identification data or the residency, or both, of an applicant for residential service under any of the following circumstances:

1. The application is for service at a premises where a bill remains unpaid for service provided within the previous 24 months.
2. The applicant has an outstanding bill with the utility but claims that the bill was accrued in the applicant's name as a result of identity theft.
3. The applicant refuses to provide the initial identification data under sub. (1) (b) 1. i. or the utility finds, with reasonable certainty, that the initial identification data is inadequate or falsified.

(b) A utility shall establish a written policy for when it will require verification of identity or residency under sub. (a).

(c) A utility shall accept any of the following items as adequate verification of identity:

1. Any one of the following items:
 - a. Valid driver's license or other photo identification issued by a state, U.S., or tribal governmental entity.
 - b. Valid U.S. military or military dependent identification card.
 - c. Valid passport.
2. Any two of the following items:
 - a. Social security card.
 - b. Certified copy of a marriage certificate.
 - c. Certified copy of a judgment of divorce or legal separation.
 - d. Military discharge papers, including federal form DD-214.

- e. Valid student identification card with the applicant's photo.
 - f. Current employee photo identification card that includes information, such as the employer's telephone number or address, which can be used for verification purposes.
 - g. Letter of identification from a social service agency or employer that includes information, such as the agency or employer's telephone number or address, which can be used for verification purposes.
- (d) 1. A utility shall accept any one of the following items as adequate verification of an applicant's residency:
- a. Current utility bill.
 - b. Current financial institution statement.
 - c. Rental agreement.
 - d. Documents indicating home purchase.
 - e. Current pay check or stub showing the applicant's name and address, and the employer's name.
 - f. Verification of address provided by a social service or government agency.
2. A utility may require an applicant to provide information that may be used for verification purposes, such as a telephone number or address, if the applicant submits one of the items in subd. 1. b., c., e., or f. to the utility.
- (e) If a request for verification of identity or residency is based on sub. (2) (a) 2., the utility may require that the applicant provide the information in s. 196.23 (1), Stats.
- (f) If a utility requests information under sub. (2), it shall inform the applicant of all items that are acceptable for verification of identity or residency, and allow the applicant to choose which items the applicant wishes to provide.

(g) If an applicant refuses to provide the information under sub. (2)(c) or (d) or a utility finds, with reasonable certainty, that the verification is inadequate or falsified, the utility may request an additional item, refuse service or disconnect service.

(3) PROCESSING APPLICATIONS AND PROVIDING NOTICE. (a) A utility shall process an application for service in a timely manner, but shall approve or deny it no later than 5 days after receipt, from the applicant, of the information required of him or her under this section.

(b) A utility shall send the applicant written notification of the denial of an application within 5 days of its denial, although a utility may notify an applicant before written confirmation is sent. An application shall be considered denied when a service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.
2. The applicant's right to ask commission staff to review the refusal.
3. The commission's address, telephone number and website.

Note: For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity or residency information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the potential user's mailing address and the address for which service has been requested. .

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

113.0307 Application for commercial and farm service.

(1) APPLICATION FOR COMMERCIAL OR FARM SERVICE. (a) A commercial or farm user of electric service shall apply for service. A utility may accept an application for service from a person other than the user or potential user of service. A utility may require a verbal or written application for residential service. The utility shall establish a written policy for when it will require a written application.

(b) The utility may only require the following information in an application:

1. Legal name of the user of service.
2. Telephone number of the user of service.
3. Legal name of the individual responsible for bill payment, if different than the user.
4. Telephone number of the individual responsible for bill payment, if different than the user.
5. Address where service is to be provided.
6. Mailing address if different from service address.
7. Date requested for service to begin.
8. Address of business location occupied by the applicant prior to the address for which service is being requested.
9. Credit information under par. (d).
10. Initial identification data under par. (e).

(c) A utility may request information other than that listed in par. (b), but before requesting it the utility shall inform the applicant that providing that information is optional.

(d) A utility may request reasonable credit information from a commercial or farm applicant as part of its application for service. A utility shall establish a written policy about when it will request credit information and what credit information it will request.

(e) A utility shall accept any of the following items as adequate initial identification data:

1. Federal employer identification number or proof that it has been applied for but not yet granted.

2. Wisconsin department of financial institutions identification number.

3. Wisconsin seller's permit identification number.

(f) A utility may refuse service for failure to provide any information specified in pars. (b) 1. to 9., or (d).

Note: See sub. (2) (a) about what can be required if an applicant refuses to provide the initial identification data under s. 113.0307(2)(b)10.

(2) IDENTITY VERIFICATION. (a) A utility may require verification of the initial identification data of an applicant for commercial or farm service under any of the following circumstances:

1. An applicant refuses to provide the information under sub. (1) (b), (d) or (e).

2. The utility finds, with reasonable certainty that the information provided under sub. (1) (b), (d) or (e) is inadequate or falsified.

(b) A utility shall establish a written policy for when it will require verification of identity under this subsection.

(c) A utility shall accept any of the following items as adequate verification of identity:

1. State or federal income tax returns.

2. Internal Revenue Service letter assigning federal employer identification number.

3. Wisconsin seller's permit or department of revenue letter assigning Wisconsin seller's permit identification number.

4. Business articles of incorporation, partnership agreement, limited liability company articles of organization, or similar organizational documents.

(d) A utility may refuse or disconnect service if it does not obtain adequate verification of identity.

(3) PROCESSING APPLICATIONS AND PROVIDING NOTICE. (a) A utility shall process an application for service in a timely manner, but shall approve or deny it no later than 5 days after receipt, from the applicant, of the information required of him or her under this section.

(b) A utility shall send the applicant written notification of the denial of an application within 5 days of its denial, although a utility may notify an applicant before written confirmation is sent. An application shall be considered denied when a service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.
2. The applicant's right to ask commission staff to review the refusal.
3. The commission's address, telephone number and website.

Note: For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity or residency information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the potential user's mailing address and the address for which service has been requested. .

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

SECTION 4. PSC 113.0406 (7) is repealed.

SECTION 5. PSC 134.051 and 134.053 are created to read:

PSC 134.051 Application for residential service.

(1) APPLICATION. (a) A residential user of gas service shall apply for service. A utility may accept an application for service from a person other than the user or potential user of service. A utility may require a verbal or written application for residential service. The utility shall establish a written policy for when it will require a written application.

(b)1. Except as provide in par. (d), a utility may only require the following information in an application:

- a. Legal name and birthdate of the user of service.
- b. Telephone number of the user of service. Lack of a telephone number is not grounds for service refusal.
- c. Legal name and birthdate of the person responsible for bill payment, if different than the user.
- d. Telephone number of the person responsible for bill payment, if different from the user. Lack of a telephone number is not grounds for service refusal.
- e. Address where service is to be provided.
- f. Mailing address if different from service address.
- g. Date requested for service to begin.
- h. Address of residence occupied by the user of service prior to the address for which service is being requested.
- i. Initial identification data under subd. 2.

2. A utility shall accept any of the following items as adequate initial identification data:

a. Driver's license number.

b. State identification card number.

c. Passport number.

d. Social security number.

3. If a utility requests information it shall inform the applicant of all acceptable forms of initial identification data and allow the applicant to choose which the applicant wishes to provide.

(c) If a utility determines that an applicant's response under par. (b) 1.a. to h. indicates that additional information is necessary to further evaluate the applicant's credit history or identity, the utility may require the applicant's addresses for the past 6 years as part of its application for service. Each utility shall establish a written policy for requesting the application information under this paragraph.

(d) A utility may request information other than that listed in pars. (b) and (c) and sub. (2), but before requesting it the utility shall inform the applicant that providing that information is optional.

Note: Also see s. PSC 134.061, which allows a request for a deposit if an applicant has an outstanding account balance that accrued within the last 6 years.

(e) A utility may refuse service for failure to provide any information specified in subds. (b) 1.a., c., e. to h. or par. (c).

Note: See sub. (2) (a) about what can be required if an applicant refuses to provide the information under subd. (b) 1. i.

(2) IDENTITY AND RESIDENCY VERIFICATION. (a) A utility may require verification of the initial identification data or the residency, or both, of an applicant for residential service under any of the following circumstances:

1. The application is for service at a premises where a bill remains unpaid for service provided within the previous 24 months.
2. The applicant has an outstanding bill with the utility but claims that the bill was accrued in the applicant's name as a result of identity theft.
3. The applicant refuses to provide the initial identification data under sub. (1) (b) 1. i. or the utility finds, with reasonable certainty, that the initial identification data is inadequate or falsified.

(b) A utility shall establish a written policy for when it will require verification of identity or residency under sub. (a).

(c) A utility shall accept any of the following items as adequate verification of identity:

1. Any one of the following items:

- a. Valid driver's license or other photo identification issued by a state, U.S., or tribal governmental entity.
- b. Valid U.S. military or military dependent identification card.
- c. Valid passport.

2. Any two of the following items:

- a. Social security card.
- b. Certified copy of a marriage certificate.
- c. Certified copy of a judgment of divorce or legal separation.
- d. Military discharge papers, including federal form DD-214.
- e. Valid student identification card with the applicant's photo.
- f. Current employee photo identification card that includes information, such as the employer's telephone number or address, which can be used for verification purposes.

g. Letter of identification from a social service agency or employer that includes information, such as the agency or employer's telephone number or address, which can be used for verification purposes.

(d) 1. A utility shall accept any one of the following items as adequate verification of an applicant's residency:

a. Current utility bill.

b. Current financial institution statement.

c. Rental agreement.

d. Documents indicating home purchase.

e. Current pay check or stub showing the applicant's name and address, and the employer's name.

f. Verification of address provided by a social service or government agency.

2. A utility may require an applicant to provide information that may be used for verification purposes, such as a telephone number or address, if the applicant submits one of the items in subd. 1. b., c., e., or f. to the utility.

(e) If a request for verification of identity or residency is based on sub. (2) (a) 2., the utility may require that the applicant provide the information in s. 196.23 (1), Stats.

(f) If a utility requests information under sub. (2), it shall inform the applicant of all items that are acceptable for verification of identity or residency, and allow the applicant to choose which items the applicant wishes to provide.

(g) If an applicant refuses to provide the information under sub. (2)(c) or (d) or a utility finds, with reasonable certainty, that the verification is inadequate or falsified, the utility may request an additional item, refuse service, or disconnect service.

(3) PROCESSING APPLICATIONS AND PROVIDING NOTICE. (a) A utility shall process an application for service in a timely manner, but shall approve or deny it no later than 5 days after receipt, from the applicant, of the information required of him or her under this section.

(b) A utility shall send the applicant written notification of the denial of an application within 5 days of its denial, although a utility may notify an applicant before written confirmation is sent. An application shall be considered denied when a service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.
2. The applicant's right to ask commission staff to review the refusal.
3. The commission's address, telephone number and website.

Note: For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity or residency information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the potential user's mailing address and the address for which service has been requested. .

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

PSC 134.053 Application for commercial and farm service.

(1) APPLICATION FOR COMMERCIAL OR FARM SERVICE. (a) A commercial or farm user of gas service shall apply for service. A utility may accept an application for service from a person

other than the user or potential user of service. A utility may require a verbal or written application for residential service. The utility shall establish a written policy for when it will require a written application.

(b) The utility may only require the following information in an application:

1. Legal name of the user of service.
2. Telephone number of the user of service.
3. Legal name of the individual responsible for bill payment, if different than the user.
4. Telephone number of the individual responsible for bill payment, if different than the user.
5. Address where service is to be provided.
6. Mailing address if different from service address.
7. Date requested for service to begin.
8. Address of business location occupied by the applicant prior to the address for which service is being requested.
9. Credit information under par. (d).
10. Initial identification data under par. (e).

(c) A utility may request information other than that listed in par. (b), but before requesting it the utility shall inform the applicant that providing that information is optional.

(d) A utility may request reasonable credit information from a commercial or farm applicant as part of its application for service. A utility shall establish a written policy about when it will request credit information and what credit information it will request.

(e) A utility shall accept any of the following items as adequate initial identification data:

1. Federal employer identification number or proof that it has been applied for but not yet granted.

2. Wisconsin department of financial institutions identification number.

3. Wisconsin seller's permit identification number.

(f) A utility may refuse service for failure to provide any information specified in pars. (b) 1. to 9., or (d).

Note: See sub. (2) (a) about what can be required if an applicant refuses to provide the initial identification data under s. par. (b)10.

(2) IDENTITY VERIFICATION. (a) A utility may require verification of the initial identification data of an applicant for commercial or for farm service under any of the following circumstances:

1. An applicant refuses to provide the information under sub. (1) (b), (d) or (e).

2. The utility finds, with reasonable certainty that the information provided under sub. (1) (b), (d) or (e) is inadequate or falsified.

(b) A utility shall establish a written policy for when it will require verification of identity under this subsection.

(c) A utility shall accept any of the following items as adequate verification of identity:

1. State or federal income tax returns.

2. Internal Revenue Service letter assigning federal employer identification number.

3. Wisconsin seller's permit or department of revenue letter assigning Wisconsin seller's permit identification number.

4. Business articles of incorporation, partnership agreement, limited liability company articles of organization, or similar organizational documents.

(d) A utility may refuse or disconnect service if it does not obtain adequate verification of identity.

(3) PROCESSING APPLICATIONS AND PROVIDING NOTICE. (a) A utility shall process an application for service in a timely manner, but shall approve or deny it no later than 5 days after receipt, from the applicant, of the information required of him or her under this section.

(b) A utility shall send the applicant written notification of the denial of an application within 5 days of its denial, although a utility may notify an applicant before written confirmation is sent. An application shall be considered denied when a service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.
2. The applicant's right to ask commission staff to review the refusal.
3. The commission's address, telephone number and website.

Note: For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity or residency information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the potential user's mailing address and the address for which service has been requested. .

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

SECTION 6. PSC 134.062(1)(k) is amended to read

PSC 134.062 (1) (k) Failure of an applicant for utility service to provide ~~adequate verification of identity and residency, as provided in sub. (2)~~ information or documentation required by s. PSC 134.051.

SECTION 7. PSC 134.062(2), 134.063(1)(L) and 134.13 (7) are repealed.

SECTION 8. PSC 185.30 and 185.305 are created to read:

PSC 185.30 **Application for residential service. (1)** (1) APPLICATION. (a) A residential user of water service shall apply for service. A utility may accept an application for service from a person other than the user or potential user of service. A utility may require a verbal or written application for residential service. The utility shall establish a written policy for when it will require a written application.

(b)1. Except as provide in par. (d), a utility may only require the following information in an application:

- a. Legal name and birthdate of the user of service.
- b. Telephone number of the user of service. Lack of a telephone number is not grounds for service refusal.
- c. Legal name and birthdate of the person responsible for bill payment, if different than the user.
- d. Telephone number of the person responsible for bill payment, if different from the user. Lack of a telephone number is not grounds for service refusal.
- e. Address where service is to be provided.
- f. Mailing address if different from service address.
- g. Date requested for service to begin.

h. Address of residence occupied by the user of service prior to the address for which service is being requested.

i. Initial identification data under subd. 2.

2. A utility shall accept any of the following items as adequate initial identification data:

a. Driver's license number.

b. State identification card number.

c. Passport number.

d. Social security number.

3. If a utility requests information it shall inform the applicant of all acceptable forms of initial identification data and allow the applicant to choose which the applicant wishes to provide.

(c) If a utility determines that an applicant's response under par. (b) 1.a. to h. indicates that additional information is necessary to further evaluate the applicant's credit history or identity, the utility may require the applicant's addresses for the past 6 years as part of its application for service. Each utility shall establish a written policy for requesting the application information under this paragraph.

Note: Also see s. PSC 185.36, which allows a request for a deposit if an applicant has an outstanding account balance that accrued within the last 6 years.

(d) A utility may request information other than that listed in pars. (b) and (c) and sub. (2), but before requesting it the utility shall inform the applicant that providing that information is optional.

(e) A utility may refuse service for failure to provide any information specified in subds. (b) 1.a., c., e. to h. or par. (c).

Note: See sub. (2) (a) about what can be required if an applicant refuses to provide the initial identification data under s. PSC 185.30 (1)(b)1.i.

(2) IDENTITY AND RESIDENCY VERIFICATION. (a) A utility may require verification of the initial identification data or the residency, or both, of an applicant for residential service under any of the following circumstances:

1. The application is for service at a premises where a bill remains unpaid for service provided within the previous 24 months.
2. The applicant has an outstanding bill with the utility but claims that the bill was accrued in the applicant's name as a result of identity theft.
3. The applicant refuses to provide the initial identification data under sub. (1) (b) 1. i. or the utility finds, with reasonable certainty, that the initial identification information is inadequate or falsified.

(b) A utility shall establish a written policy for when it will require verification of identity or residency under par. (a).

(c) A utility shall accept any of the following items as adequate verification of identity:

1. Any one of the following items:
 - a. Valid driver's license or other photo identification issued by a state, U.S., or tribal governmental entity.
 - b. Valid U.S. military or military dependent identification card.
 - c. Valid passport.
2. Any two of the following items:
 - a. Social security card.
 - b. Certified copy of a marriage certificate.
 - c. Certified copy of a judgment of divorce or legal separation.
 - d. Military discharge papers, including federal form DD-214.

- e. Valid student identification card with the applicant's photo.
 - f. Current employee photo identification card that includes information, such as the employer's telephone number or address, which can be used for verification purposes.
 - g. Letter of identification from a social service agency or employer that includes information, such as the agency or employer's telephone number or address, which can be used for verification purposes.
- (d) 1. A utility shall accept any one of the following items as adequate verification of an applicant's residency:
- a. Current utility bill.
 - b. Current financial institution statement.
 - c. Rental agreement.
 - d. Documents indicating home purchase.
 - e. Current pay check or stub showing the applicant's name and address, and the employer's name.
 - f. Verification of address provided by a social service or government agency.
2. A utility may require an applicant to provide information that may be used for verification purposes, such as a telephone number or address, if the applicant submits one of the items in subd. 1. b., c., e., or f. to the utility.
- (e) If a request for verification of identity or residency is based on sub. (2) (a) 2., the utility may require that the applicant provide the information in s. 196.23 (1), Stats.
- (f) If a utility requests information under sub. (2), it shall inform the applicant of all items that are acceptable for verification of identity or residency, and allow the applicant to choose which items the applicant wishes to provide.

(g) If an applicant refuses to provide the information under sub. (2)(c) or (d) or a utility finds, with reasonable certainty, that the verification is inadequate or falsified, the utility may request an additional item, refuse service or disconnect service.

(3) PROCESSING APPLICATIONS AND PROVIDING NOTICE. (a) A utility shall process an application for service in a timely manner, but shall approve or deny it no later than 5 days after receipt, from the applicant, of the information required of him or her under this section.

(b) A utility shall send the applicant written notification of the denial of an application within 5 days of its denial, although a utility may notify an applicant before written confirmation is sent. An application shall be considered denied when a service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.
2. The applicant's right to ask commission staff to review the refusal.
3. The commission's address, telephone number and website.

Note: For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity or residency information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the potential user's mailing address and the address for which service has been requested. .

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

PSC 184.305 (1) APPLICATION FOR NONRESIDENTIAL SERVICE. (a) A nonresidential user of water service shall apply for service. A utility may accept an application for service from a person other than the user or potential user of service. A utility may require a verbal or written application for residential service. The utility shall establish a written policy for when it will require a written application.

(b) The utility may only require the following information in an application:

1. Legal name of the user of service.
2. Telephone number of the user of service.
3. Legal name of the individual responsible for bill payment, if different than the user.
4. Telephone number of the individual responsible for bill payment, if different than the user.
5. Address where service is to be provided.
6. Mailing address if different from service address.
7. Date requested for service to begin.
8. Address of business location occupied by the applicant prior to the address for which service is being requested.
9. Credit information under par. (d).
10. Initial identification data under par. (e).

(c) A utility may request information other than that listed in par. (b), but before requesting it the utility shall inform the applicant that providing that information is optional.

(d) A utility may request reasonable credit information from a nonresidential applicant as part of its application for service. A utility shall establish a written policy about when it will request credit information and what credit information it will request.

(e) A utility shall accept any of the following items as adequate initial identification data:

1. Federal employer identification number or proof that it has been applied for but not yet granted.

2. Wisconsin department of financial institutions identification number.

3. Wisconsin seller's permit identification number.

(f) A utility may refuse service for failure to provide any information specified in pars. (b) 1. to 9., or (d).

Note: See sub. (2) (a) about what can be required if an applicant refuses to provide the initial identification data under par. (b) 10.

(2) IDENTITY VERIFICATION. (a) A utility may require verification of the initial identification data of an applicant for nonresidential service under any of the following circumstances:

1. An applicant refuses to provide the information under sub. (1) (b), (d) or (e).

2. The utility finds, with reasonable certainty that the information provided under sub. (1) (b), (d) or (e) is inadequate or falsified.

(b) A utility shall establish a written policy for when it will require verification of identity under this subsection.

(c) A utility shall accept any of the following items as adequate verification of identity:

1. State or federal income tax returns.

2. Internal Revenue Service letter assigning federal employer identification number.

3. Wisconsin seller's permit or department of revenue letter assigning Wisconsin seller's permit identification number.

4. Business articles of incorporation, partnership agreement, limited liability company articles of organization, or similar organizational documents.

(d) A utility may refuse or disconnect service if it does not obtain adequate verification of identity.

(3) PROCESSING APPLICATIONS AND PROVIDING NOTICE. (a) A utility shall process an application for service in a timely manner, but shall approve or deny it no later than 5 days after receipt, from the applicant, of the information required of him or her under this section.

(b) A utility shall send the applicant written notification of the denial of an application within 5 days of its denial, although a utility may notify an applicant before written confirmation is sent. An application shall be considered denied when a service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.
2. The applicant's right to ask commission staff to review the refusal.
3. The commission's address, telephone number and website.

Note: For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity or residency information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the potential user's mailing address and the address for which service has been requested. .

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

SECTION 9. PSC 185.33(18) and 185.37(2)(L) are repealed.

SECTION 10. PSC 185.37(2)(k) is amended to read:

PSC 185.37 (2) (k) Failure of an applicant for utility service to provide ~~adequate verification of identity and residency, as provided in sub-~~

~~(5) (a);~~ the information or documentation required by ss. PSC 185.30 or 185.305.